

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric C. Anderson et al.

Serial No. 09/213,131

Filed: 12/15/1998

Attorney Docket No. 1104-069/P126C

For: **METHOD AND APPARATUS FOR CORRECTING ASPECT RATIO IN A CAMERA
GRAPHICAL USER INTERFACE**

Examiner: Yogesh K. Aggarwal

Art Unit: 2622

**SECOND SUPPLEMENTAL LETTER IN SUPPORT OF
A PETITION UNDER 37 § 1.182 TO EXPUNGE CONFIDENTIAL MATERIAL**

Mail Stop: Office of Legal Administration
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

This is a Second Supplemental Letter in support of a recently filed petition under §1.182 to replace Patent Owner's "original" Information Disclosure Statement (IDS) in the above-identified matter. The original IDS inadvertently included information that is subject to a protective order in International Trade Commission ("ITC") Investigation No. 337-TA-726 ("726 Investigation").

HTC filed a "Statement in Support" of the above petition on September 19, 2012. In particular, HTC has supported Patent Owner's previous request to have a 666 page document titled on the original IDS as "HTC id:101" expunged from the PTO records. HTC has stated that the document in question, which is marked as "HTC CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER" and bears the Bates range HTC_FP_ITC_0201095-HTC_FP_ITC_0201760, is HTC's confidential business information that is subject to the Protective Order in the 726 Investigation. HTC has further stated it believes that the "public disclosure of the confidential HTC materials will be adverse to HTC's competitive business interests." *Id.* at 2. HTC has therefore requested that the above petition to expunge be granted. **Thus, Patent Owner requests that the 666 page document titled in the original IDS as "HTC id:101" and bearing the Bates ranges HTC_FP_ITC_0201095-HTC_FP_ITC_0201760 be expunged.**

This document is identified as item No. 29 in one of the PTO/SB/08a forms that was filed on July 29, 2011. The relevant page identifying item No. 29 is attached as Exhibit A.

I. FOIA (FREEDOM OF INFORMATION ACT) RESPONSE EXPECTED 10/4/12

Additionally, Patent Owner is attempting to determine (by a letter to the General Counsel of the Patent Office) whether any member of the public has requested a certified copy of the prosecution history in any of the below-identified cases. The Office of General Counsel has stated that they “expect to send a response out no later than October 4, 2012.” See Exhibit B, email from General Counsel dated September 20, 2012.

II. RELATED CASES

The above-mentioned matter corresponds to one of the following 10 reexaminations, applications and patents: 95/001,431; 95/001,420; 95/001,433; 90/010,834; 90/012,200; 90/012,090; 11/963,018; 09/213,131; 11/466,629; and 11/512,575.

Petitions to Expunge have been filed in each of these 10 reexaminations, applications and patents. HTC has also filed Statements in Support requesting that the HTC document be expunged from all records in each of these 10 cases.

III. RELIEF REQUESTED

Patent Owner requests that the 666 page document titled “HTC id:101” be immediately expunged from all PTO records corresponding to this case and the above-identified cases, and that the current “freeze” on public access to non-patent literature (including all of the protected references) associated with the above-identified cases be maintained in the above-identified matter until the Petitions to Replace are fully decided with respect to all of the protected references.

Attorney Pinchus Lauffer, of the USPTO Office of Patent Legal Administration, has verbally stated that the non-patent literature associated with the above-identified cases is currently flagged so that it is not available to the public, pending the outcome of these petitions.

IV. CONCLUSION

The Office is invited to direct any questions or comments regarding this matter to the undersigned at the below-listed telephone number, facsimile number, or e-mail address.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 50-1732.

Although service is not believed to be required since the Reexamination Proceeding has already been concluded, service is nevertheless being made as a courtesy to the third-party Requester. Evidence of service of this Petition is attached hereto as the last page.

An early and favorable action is hereby requested.

Respectfully submitted,

/Ed Garcia-Otero/

Ed Garcia-Otero
Reg. No. 56,609

September 26, 2012

Withrow & Terranova, PLLC

100 Regency Forest Drive

Suite 160

Cary, North Carolina 27518

TEL: (919) 238-2300

FAX: (919) 238-2301

E-MAIL: patents@wt-ip.com

Exhibit A: PTO/SB/08a form identifying item No. 29 as a titled "HTC id:101."

Exhibit B: email from General Counsel dated September 20, 2012.